

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #6	CCRB Case #: 201809539	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/14/2018 7:30 PM	Location of Incident: [REDACTED]	Precinct: 32	18 Mo. SOL 5/14/2020	EO SOL 12/29/2020	
Date/Time CV Reported Thu, 11/15/2018 2:06 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 11/15/2018 2:06 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Arena	08750	960171	032 PCT
2. POM Ryan Nohilly	18482	958989	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ryan Nohilly	Abuse: Police Officer Ryan Nohilly entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
B.POM Anthony Arena	Abuse: Police Officer Anthony Arena entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
C.POM Anthony Arena	Force: Police Officer Anthony Arena used physical force against § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Anthony Arena	Discourtesy: Police Officer Anthony Arena spoke discourteously to § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On November 15, 2018, § 87(2)(b) § 87(2)(b) filed this complaint with the CCRB online.

On November 14, 2018, at approximately 7:30 p.m., § 87(2)(b) § 87(2)(b) and her friend § 87(2)(b) § 87(2)(b) were in the apartment of § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)'s father, at § 87(2)(b) § 87(2)(b) in Manhattan. § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) called 911 stating that he did not want § 87(2)(b) § 87(2)(b) in his apartment. PO Ryan Nohilly and PO Anthony Arena of the 32nd Precinct responded to the apartment. PO Nohilly and PO Arena entered § 87(2)(b) § 87(2)(b)'s bedroom (**Allegations A and B: Abuse of Authority** – § 87(2)(g) § 87(2)(b) § 87(2)(b) argued that § 87(2)(b) § 87(2)(b) should not have to leave the apartment and attempted to close the bedroom door. PO Arena allegedly pushed § 87(2)(b) § 87(2)(b) (**Allegation C: Force** – § 87(2)(g) § 87(2)(b) PO Arena told § 87(2)(b) § 87(2)(b) “Take your shit and get out.” (**Allegation D: Discourtesy** – § 87(2)(g) § 87(2)(b) § 87(2)(b) left the apartment. No one was arrested during this incident.

A cell phone video recorded by § 87(2)(b) § 87(2)(b) recorded a large portion of the interaction.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Ryan Nohilly entered § 87(2)(b) § 87(2)(b) in Manhattan.

Allegation (B) Abuse of Authority: Police Officer Anthony Arena entered § 87(2)(b) § 87(2)(b) in Manhattan.

An attorney was consulted in regard to these allegations.

It is not in dispute that § 87(2)(b) § 87(2)(b) summoned the police and provided consent for officers to enter the apartment.

§ 87(2)(b) § 87(2)(b) declined to speak to the CCRB, but § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) both believe that he called 911 and invited the police to enter the apartment. The 911 record confirms this (**Board Review 1**). § 87(2)(b) § 87(2)(b) cell phone video recorded the voice of § 87(2)(b) § 87(2)(b) outside of § 87(2)(b) § 87(2)(b) bedroom with the officers stating that he wanted the officers to remove § 87(2)(b) § 87(2)(b) from the apartment. § 87(2)(b) § 87(2)(b) never objected to the officers' presence or any of their actions. (**Board Review 2, from 2:45 to 3:20**).

In People v. Satornino 153 AD2d 595 (1989) the court held that the defendant's mother who owned the home, had consented to the detectives' entry because by pointing to her son's bedroom and indicating that it was her son's, she indicated consent by “words and conduct.” (**Board Review 3**)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (C) Force: Police Officer Anthony Arena used physical force against § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) § 87(2)(b) stated that she attempted to close the door to her bedroom, but that PO Arena pushed the door open while simultaneously pushing § 87(2)(b) § 87(2)(b) on the shoulder with one hand. § 87(2)(b) § 87(2)(b) claimed this caused her to fall back onto her desk behind her. § 87(2)(b) § 87(2)(b) did not claim to have suffered any injuries and she did not seek medical treatment. § 87(2)(b) § 87(2)(b) described PO Arena as “brushing past” § 87(2)(b) § 87(2)(b) but did not describe it as a push.

PO Arena stated he did not recall intentionally pushing § 87(2)(b) § 87(2)(b) or placing his hands on her, but conceded that he may have brushed against her while walking into the bedroom. PO Arena stated that while he entered the bedroom, he was reaching for § 87(2)(b) § 87(2)(b) arm. § 87(2)(b) § 87(2)(b) told PO Arena not to touch her and then § 87(2)(b) § 87(2)(b) also began to tell him not to touch her. PO Nohilly had no recollection of whether PO Arena pushed § 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) was standing behind § 87(2)(b) § 87(2)(b) while recording the cell phone video (**Board Review 2, starting at 10:45**). § 87(2)(b) § 87(2)(b) pointed the cell phone at a downward angle when PO Arena entered the bedroom. PO Arena stepped past § 87(2)(b) § 87(2)(b) on her right side. He was in close proximity with her body, though the video does not show whether he placed a hand on her or pushed her. § 87(2)(b) § 87(2)(b) simultaneously took one step back and to the left away from PO Arena. § 87(2)(b) § 87(2)(b) did not make contact with the desk behind her. She stated, “Please do not touch me.” § 87(2)(b) § 87(2)(b) also told PO Arena not to touch her. The video did not show PO Arena touching § 87(2)(b) § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation (D) Discourtesy: Police Officer Anthony Arena spoke discourteously to § 87(2)(b)

§ 87(2)(b)

It is undisputed that PO Arena spoke discourteously to § 87(2)(b) § 87(2)(b)

PO Arena admits that he told § 87(2)(b) § 87(2)(b) to “Get your shit and get out”. PO Arena stated he felt that he and PO Nohilly had been at the apartment for a long time and he felt frustrated by § 87(2)(b) § 87(2)(b)’s and § 87(2)(b) § 87(2)(b) yelling. PO Arena stated that § 87(2)(b) § 87(2)(b) had agreed to leave the apartment when he cursed at her, but that she was taking time to gather her belongings. PO Nohilly had no recollection of PO Arena making that statement or using any discourteous language.

§ 87(2)(b) alleged that PO Arena told § 87(2)(b) to “get your shit and go.” However, § 87(2)(b) recollection was that PO Arena told her, “Get your fucking clothes on.” Nevertheless, the cell phone video confirmed that “Take your shit and get out” was the only discourteous comment PO Arena made.

Patrol Guide Procedure 203-10 prohibits officers from making discourteous or disrespectful remarks (**Board Review 4**).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- [REDACTED]
- PO Nohilly has been a member of service for three years and has been a subject in one other CCRB complaint with one allegation, which was not substantiated.
- PO Arena has been a member of service for three years and has been a subject in two other CCRB complaints with three allegations, none of which have been substantiated. PO Arena’s CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of March 27, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 6**)
- § 87(2)(b) [REDACTED]
- [REDACTED]

Squad No.: 6

Investigator: _____ Inv. Simon Wang _____
Signature Print Title & Name Date

Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature _____ Print Title & Name _____ Date _____